

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE MARCH 28, 2008

SENATE BILL

No. 1455

Introduced by Senators Cogdill and Denham

February 21, 2008

~~An act to add Section 5101.12 to the Vehicle Code~~ *An act to amend Sections 5156, 5157, and 5158 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1455, as amended, Cogdill. Vehicles: ~~special~~ *specialized* license plates.

Under existing law, the Department of Motor Vehicles issues environmental and other ~~special~~ *specialized* license plates. The issuance of some of those license plates is subject to additional fees. *Existing law prohibits the department from establishing a specialized license plate program for an agency until the department has received not less than 7,500 applications for the plates.*

This bill would authorize *the Department of Veterans Affairs to sponsor a Gold Star Family specialized license plate and would waive the 7,500 minimum application requirement. The bill would authorize a person who is a an eligible family member, as the bill would define that term, of a member of the Armed Forces who was killed while serving on active duty in the military to apply for a special license plate with a design containing the words "Gold Star Family." the specialized license plate.* The bill would establish the Gold Star Family License Plate Account in the ~~California Environmental Specialized License Plate Fund~~. The bill would authorize the Department of ~~Veteran Veterans Affairs~~ to actively request and receive donations that would be deposited in the account and, upon appropriation by the Legislature,

the fund moneys would be available *to the Department of Motor Vehicles* for the necessary administrative costs of establishing the Gold Star Family ~~License Plate~~ *license plate*. The bill would exempt *the participants in* this program from ~~certain special license plate program requirements, including, but not limited to, a requirement that the department receive an initial minimum number of applications and~~ *special specialized* license plate additional, *original issuance*, renewal, replacement, and transfer fees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~(a)~~ The Legislature finds and declares all of the
2 following:
3 ~~(1)~~
4 (a) Throughout its history, thousands of Californians have given
5 their lives in the Armed Forces of the United States in defense of
6 our country.
7 ~~(2)~~
8 (b) “Gold Star Family” is a commonly understood term used to
9 describe a family member who has lost a loved one in military
10 service.
11 ~~(3)~~
12 (c) Gold Star Families in California have sought to honor their
13 lost family members through the creation of a special recognition
14 Gold Star Family license plates, which have been established in
15 several other states.
16 ~~(4) The requirements under current California law make it~~
17 ~~extremely challenging to establish a Gold Star Family license plate.~~
18 ~~(b) It is the intent of the Legislature in enacting this act to~~
19 ~~provide for the creation of a Gold Star Family license plate in~~
20 ~~California in a way that substantially complies with the spirit of~~
21 ~~Assembly Bill 84 of the 2005–06 Regular Session.~~
22 SEC. 2. *Section 5156 of the Vehicle Code is amended to read:*
23 5156. (a) (1) A state agency may apply to the department to
24 sponsor a specialized license plate program, and the department
25 shall issue specialized license plates for that program, if the agency
26 complies with all of the requirements of this article.

(2) The department shall not issue specialized license plates to a state agency for a vehicle that is exempt from the payment of registration fees pursuant to Section 9101 or 9103.

(b) ~~The~~ *Except as provided in subdivision (d),* the department shall not establish a specialized license plate program for an agency until the department has received not less than 7,500 applications for that agency's specialized license plates. The agency shall collect and hold applications for the plates. Once the agency has received at least 7,500 applications, it shall submit the applications, along with the necessary fees, to the department. The department shall not issue a specialized license plate until the agency has received and submitted to the department not less than 7,500 applications for that particular specialized license plate within the time period prescribed in this section. Advance payment to the department by the agency representing the department's estimated or actual administrative costs associated with the issuance of a particular specialized license plate shall not constitute compliance with this requirement. The agency shall have 12 months, following the date of approval of the agency's initial application to sponsor a specialized license plate program, to receive the required number of applications. If, after that 12 months, 7,500 applications have not been received, the agency shall immediately do either of the following:

(1) Refund to all applicants all fees or deposits that have been collected.

(2) Contact the department to indicate the agency's intent to undertake collection of additional applications and fees or deposits for an additional period, not to exceed 12 months, in order to obtain the minimum 7,500 applications. If the agency elects to exercise the option under this subparagraph, it shall contact each applicant who has submitted an application with the appropriate fees or deposits to determine if the applicant wishes a refund of fees or deposits or requests the continuance of the holding of the application and fees or deposits until that time that the agency has received 7,500 applications. The agency shall refund the fees or deposits to an applicant so requesting. The agency shall not collect and hold applications for a period exceeding 24 months following the date of approval of the agency's initial application to sponsor a specialized license plate program.

(c) (1) If the number of outstanding and valid specialized license plates in a particular program, *except as provided in subdivision (d)*, provided for in this article is less than 7,500, the department shall notify the sponsoring agency of that fact and shall inform the agency that if that number is less than 7,500 one year from the date of that notification, the department will no longer issue or replace those specialized license plates.

(2) Those particular specialized license plates that were issued prior to the discontinuation provided by paragraph (1) may continue to be used and attached to the vehicle for which they were issued and may be renewed, retained, or transferred pursuant to this code.

(d) (1) *The Department of Veterans Affairs may sponsor a Gold Star Family specialized license plate and the department may establish this specialized license plate in the absence of 7,500 paid applications as provided under subdivision (d) of Section 5157.*

(2) *The Department of Veterans Affairs shall, upon receiving proof of eligibility from an applicant, authorize the department to issue Gold Star Family specialized license plates for a vehicle owned by an eligible family member of a member of the Armed Forces of the United States who was killed while serving on active duty in the military. An eligible family member is defined as follows:*

(A) *Someone who is otherwise eligible under this article to register a motor vehicle.*

(B) *Someone who shows proof from the United States Department of Veterans Affairs or the Department of Defense that the member who was in the Armed Forces of the United States was killed while on active duty in the military.*

(C) *Someone who bears, and shows proof satisfactory to the Department of Veterans Affairs of, one of the following relationships to the member of the Armed Forces killed while serving on active duty:*

(i) *Widow.*

(ii) *Widower.*

(iii) *Biological parent.*

(iv) *Adoptive parent.*

(v) *Stepparent.*

(vi) *Foster parent in loco parentis.*

(vii) *Biological child.*

(viii) *Adoptive child.*

(ix) *Stepchild.*

(x) *Sibling.*

(xi) *Half-sibling.*

(xii) *Grandparent.*

(xiii) *Grandchild.*

(3) *Upon the death of a person issued a Gold Star Family specialized license plate, the license plate shall be transferred to the surviving spouse, if he or she requests, or shall be returned to the department within 60 days after the death of the plateholder or upon the expiration of the vehicle registration, whichever occurs first.*

SEC. 3. Section 5157 of the Vehicle Code is amended to read:

5157. (a) In addition to the regular fees for an original registration or renewal of registration, the following additional fees shall be paid for the issuance, renewal, or transfer of the specialized license plates:

(1) For the original issuance of the plates, fifty dollars (\$50).

(2) For a renewal of registration with the plates, forty dollars (\$40).

(3) For transfer of the plates to another vehicle, fifteen dollars (\$15).

(4) For each substitute replacement plate, thirty-five dollars (\$35).

(5) In addition, for the issuance of environmental license plates, as defined in Section 5103, with a specialized license plate design, the additional fees prescribed in Sections 5106 and 5108. The additional fees prescribed in Sections 5106 and 5108 shall be deposited in the California Environmental License Plate Fund.

(b) *The Gold Star Family specialized license plate as provided in subdivision (d) of Section 5156 shall not be subject to the fees specified in subdivision (a) and shall only be issued in a sequential series.*

~~(b)~~

(c) Except as provided in paragraph (5) of subdivision (a), and after deducting its administrative costs under this section, the department shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of the specialized license plates in the Specialized License Plate Fund, which is hereby established in the State Treasury. Upon appropriation by the Legislature, the moneys in that fund shall be allocated to each

1 sponsoring agency, in proportion to the amount in the fund that is
2 attributable to the agency's specialized license plate program.
3 Except as authorized under Section 5159, the sponsoring agency
4 shall expend all funds received under this section exclusively for
5 projects and programs that promote the state agency's official
6 policy, mission, or work.

7 *(d) (1) The Department of Veterans Affairs may actively request*
8 *and receive donations for the Gold Star Family License Plate*
9 *Account which is hereby created in the Specialized License Plate*
10 *Fund and which may consist of donations from public and private*
11 *entities. Earnings generated by the Gold Star Family License Plate*
12 *Account shall be retained by the account.*

13 *(2) Upon the determination of the department that there are*
14 *sufficient funds in the Gold Star Family License Plate Account for*
15 *this purpose, moneys in the Gold Star Family License Plate*
16 *Account shall be available, upon appropriation by the Legislature,*
17 *to the department for the necessary administrative costs of*
18 *establishing the Gold Star Family specialized license plate.*

19 SEC. 4. Section 5158 of the Vehicle Code is amended to read:

20 5158. ~~When~~ If the payment of renewal fees is not required as
21 specified in Section 4000; or ~~when~~ if a person determines to retain
22 the specialized license plate upon a sale, trade, or other release of
23 the vehicle upon which the plate has been displayed, *except for a*
24 *vehicle issued plates pursuant to subdivision (d) of Section 5156,*
25 the person shall notify the department and the person may retain
26 and use the plate as authorized by departmental regulations.
27

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29 **All matter omitted in this version of the bill**
30 **appears in the bill as amended in the**
31 **Senate, March 28, 2008. (JR11)**
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